

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

KELVIN HAMPTON, )  
Petitioner, )  
v. ) No. 1:09-cv-1259-SEB-JMS  
ALAN FINNAN, )  
Respondent. )

**E N T R Y**

The petitioner's motion to show newly discovered evidence has been considered. The motion (dkt 16) is **denied**. The reason for this ruling is that the motion seeks to have the court reweigh the evidence pertaining to the petitioner's guilt of the infraction with which he was charged. This is not an inquiry a federal habeas corpus is permitted to undertake. Instead, it is the conduct board which had the responsibility to weigh the conflicting evidence—both that which was actually presented and “newly discovered.” See *Meeks v. McBride*, 81 F.3d 717, 720 (7th Cir. 1996) (“because the ‘some evidence’ standard . . . does not permit courts to consider the relative weight of the evidence presented to the disciplinary board, it is [g]enerally immaterial that an accused prisoner presented exculpatory evidence unless that evidence directly undercuts the reliability of the evidence on which the disciplinary authority relied’ on support of its conclusion”)(quoting *Viens v. Daniels*, 871 F.2d 1328, 1335 (7th Cir. 1989)).

**IT IS SO ORDERED.**

Date: 12/31/2009

Sarah Evans Barker

SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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